REMARKS

Applicant thanks the Examiner for the thorough examination given the present application.

Status of the Claims

Claims 1 and 3-24 will be pending in the above-identified application upon entry of the present amendment. Claim 1 has been amended by rearranging the limitations. Support for the new limitation in claim 1 can be found in the present specification, *inter alia*, at page 21, lines 3-5. Thus, no new matter has been added. Based upon the above considcrations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicant respectfully requests that the Examiner withdraw all rejections and allow the currently pending claims.

Examiner's Interview

Applicant would like to thank the Examiner for her time during the interview on December 20, 2010. Applicant appreciates the courtesies extended to Applicant's Representative in this application. Based on the discussions during the interview, Applicant believes that the claims are now in condition for allowance. Should the Examiner believe that there remains any outstanding issues, Applicant respectfully requests that the Examiner contact Applicant's Representative so as to expedite resolution of these outstanding issues, via an Examiner's Amendment or the like.

Issues under 35 U.S.C. § 103(a)

Claims 1 and 3-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Taniguchi et al. '844 (WO 01/070844) (paragraph 3 of the outstanding Office Action).

Applicant respectfully traverses. Reconsideration and withdrawal of this rejection are respectfully requested based on the following considerations.

Legal Standard for Determining Prima Facie Obviousness

MPEP 2141 sets forth the guidelines in determining obviousness. First, the Examiner has to take into account the factual inquiries set forth in *Graham v. John Deere*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), which has provided the controlling framework for an obviousness analysis. The four *Graham* factors are:

(a) determining the scope and content of the prior art;

(b) ascertaining the differences between the prior art and the claims in issue;

(c) resolving the level of ordinary skill in the pertinent art; and

(d) evaluating any evidence of secondary considerations.

Graham v. John Deere, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966).

Second, the Examiner has to provide some rationale for determining obviousness. MPEP 2143 sets forth some rationales that were established in the recent decision of *KSR International Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). Exemplary rationales that may support a conclusion of obviousness include:

(a) combining prior art elements according to known methods to yield predictable results;

(b) simple substitution of one known element for another to obtain predictable results;

(c) use of known technique to improve similar devices (methods, or products) in the same way;

(d) applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

(e) "obvious to try" – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success

(f) known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;

(g) some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

As the MPEP directs, all claim limitations must be considered in view of the cited prior art in order to establish a *prima facie* case of obviousness. *See* MPEP 2143.03.

Distinctions over Taniguchi et al. '844

As amended, claim 1 recites that "wherein 90% or more of the total amount of the substituents on the phosphorous atom of said at least one phosphazene compound comprises unsubstituted or substituted phenoxy group." Taniguchi et al. '844 fail to disclose this element.

To establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be disclosed by the cited references. As discussed above, Taniguchi et al. '844 fail to disclose all of the claim limitations of independent claim 1, and those claims dependent thereon. Accordingly, the reference does not render the present invention obvious.

Furthermore, the cited reference or the knowledge in the art provides no reason or rationale that would allow one of ordinary skill in the art to arrive at the present invention as claimed. Therefore, a *prima facie* case of obviousness has not been established, and withdrawal of the outstanding rejection is respectfully requested. Any contentions of the USPTO to the contrary must be reconsidered at present.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Registration No. 58,258, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: January 10, 2011

Respectfully submitted,

By _____

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